

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 21, 2013**

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Wednesday, December 4, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government center to continue discussion on comments the committee had received regarding electric vehicle charging station infrastructure and welcomed the public to attend.

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Commissioner Sargeant announced that the Planning Commission's Residential Studios Unit Committee met on Wednesday, November 20, 2013, and during this meeting, the committee voted to direct staff to draft a revision to the current proposed Zoning Ordinance Amendment that would prohibit residential studio units from low-density residential districts in favor of locations in R-12 and higher districts, as well as PDH-12 and high-density districts for commercial and industrial areas. He also stated that the committee directed staff to continue researching other issues, such as occupancy enforcement, parking, school impact, and other issues related to the existing ordinance language. He added that since additional work was required before the revised ordinance language was completed and additional information was acquired, the previously planned meeting for the committee on Monday, December 9, 2013, was canceled. Commissioner Sargeant then announced that the committee would meet again at 7:00 p.m. on Monday, January 6, 2014, in Conference Rooms 4/5 in the Fairfax County Government

Center and welcomed the public to attend, noting that the record on this issue will remain open for written and electronic comments.

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On behalf of the Commission, Chairman Murphy wished everyone a happy Thanksgiving. He announced that the Planning Commission's final two meetings of 2013 would be on Wednesday, December 4, 2013, and Thursday, December 5, 2013. He stated that the Commission would then go into recess for the holidays and the first meeting in 2014 would be on Wednesday, January 8, 2014.

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Commissioner Litzenberger stated in lieu of a disagreement between staff and the applicant regarding proffers, he MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2013-SU-010, CHRISTOPHER LAND, LLC, TO A DATE CERTAIN OF WEDNESDAY, JANUARY 8, 2014.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR RZ 2013-SP-005, MHI SPRING LAKE, LLC, TO A DATE CERTAIN OF THURSDAY, JANUARY 16, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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FAIRFAX FORWARD – PLAN AMENDMENT SUBMISSION PROCEDURE

Commissioner Lawrence stated that the Planning Commission's Policy and Procedures Committee had met with staff from the Department of Planning and Zoning to discuss a directive issued by the Board of Supervisors following the adoption of Fairfax Forward on July 9, 2013, which instructed staff to develop a process for gathering proposals to change the Comprehensive Plan on an ongoing basis and a written procedure about how such proposals should be evaluated for possible inclusion in future Plan Amendment Work Programs. He added that the Board also instructed that these proposals should be available for public review and comment. He then indicated that the Committee voted unanimously to support the Draft Plan Amendment Submission Procedure recommended by staff on October 2, 2013 with minor modifications, noting that the draft submission process and submission form had been published to the County's website for public review and comment since that time. Subsequently, Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE THE PLAN AMENDMENT

SUBMISSION PROCEDURE, AS DESCRIBED ON MY HANDOUT DATED NOVEMBER 14, 2013. THE PROCEDURE WOULD ALLOW ANYONE TO PARTICIPATE IN THE FAIRFAX COUNTY LAND USE PROCESS BY SUBMITTING A PROPOSED AMENDMENT TO A SPECIFIC COMPREHENSIVE PLAN RECOMMENDATION OR ADDITION OR CHANGE TO THE ORDER OF PLANNING STUDIES LISTED ON THE COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM. SUBMISSIONS WOULD BE ACCEPTED BY THE DEPARTMENT OF PLANNING AND ZONING, EFFECTIVE JANUARY 15, 2014, AND MADE AVAILABLE FOR PUBLIC REVIEW AND COMMENT. THE REVIEW OF ALL PROPOSALS WAS ANTICIPATED TO BEGIN IN FEBRUARY 2016, WITH RECOMMENDATIONS FOR A REVISED WORK PROGRAM ANTICIPATED IN APRIL 2016.

Commissioners Flanagan and Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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PCA 86-D-108 – WILLIAM WEISS (Decision Only)

(The public hearing on this application was held on October 3, 2013. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 86-D-108, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 6, 2013, AND THE FOLLOWING MODIFICATION:

- THE ADDITION OF A PROFFER THAT READS, "INSTALL A 10-FOOT WIDE LANDSCAPE BERM ALONG THE ENTIRE REAR OF THE PROPERTY, PLANTED WITH EVERGREEN AND DECIDUOUS TREES."

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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ST 09-III-DS1, S07-III-UP2, S09-III-UP2 – COMPREHENSIVE PLAN AMENDMENT (LAND UNIT A, ROCKS PARCEL, AND ELDEN STREET PARCEL) (Decisions Only)

(The public hearing on these applications was held on October 30, 2013. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATIONS FOR PLAN AMENDMENTS ST09-III-DS1, S07-III-UP2, AND S09-III-UP2 ARTICULATED ON ATTACHMENTS 1 AND 2 OF THE STAFF REPORT DATED OCTOBER 17, 2013, SUBJECT TO THE INCLUSION OF THE REVISIONS ARTICULATED IN THE HANDOUT DATED NOVEMBER 21, 2013, WHICH REFLECTED THE FOLLOWING REVISIONS:

- INCLUSION OF ADDITIONAL CLARIFICATION ON THE INTENT OF THE RECOMMENDATIONS AND AN A PROVISION FOR ENHANCED INTER-PARCEL CONNECTIVITY;
- A MODIFICATION TO THE WORKFORCE HOUSING GUIDENCE TO EXCLUDE EDUCATIONAL, INSTITUTIONAL, AND GOVERNMENTAL USES FROM THE MONETARY CONTRIBUTION, INCLUDING AN ACKNOWLEDGEMENT THAT THERE MAY BE CHANGES IN COUNTY POLICY REGARDING NON-RESIDENTIAL CONTRIBUTIONS;
- A MODIFICATION TO ENSURE THAT THE BICYCLE RECOMMENDATIONS ARE CONSISTENT WITH THE TRAILS PLAN;
- A MODFICIATION TO CLARIFY THE INTENT OF THE NOISE RECOMMENDATIONS;
- A MODIFICATION THAT ADDS FLEXIBILITY FOR THE ROAD CONFIGURATION IN LAND UNIT A-5; AND
- A MODIFICATION TO ENCOURAGE ENHANCED PEDESTRIAN CONNECTIVITY ACROSS THE DULLES TOLL ROAD.

Commissioner Donahue FURTHER MOVED THAT THE FIRST SENTENCE ON THE HANDOUT UNDER “AFFORDABLE AND WORKFORCE HOUSING: REVISIONS TO PAGE 6 OF STAFF RECOMMENDATION” BE MODIFIED TO READ AS FOLLOWS:

- “NON-RESIDENTIAL DEVELOPMENT IN THE TSA SHOULD CONTRIBUTE \$3.00 PER NON-RESIDENTIAL SQUARE-FOOT UNLESS SUPERSEDED BY BOARD OF SUPERVISORS ACTION ON A COUNTYWIDE POLICY.”

Commissioner Migliaccio seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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PUBLIC FACILITIES MANUAL AMENDMENT (STORMWATER MANAGEMENT ORDINANCE) AND PUBLIC FACILITIES MANUAL AMENDMENT (STORM DRAINAGE AND VEGETATION PRESERVATION AND PLANTING) (Decisions Only)

(The public hearing on these applications was held on October 9, 2013. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 112 (ZONING ORDINANCE), AND APPENDIX Q OF THE COUNTY CODE, AS CONTAINED IN THE STAFF REPORT DATED SEPTEMBER 10, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS REPEAL EXISTING CHAPTER 105 (POLLUTION OF STATE WATERS) AND CHAPTER 106 (STORM DRAINAGE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, AS CONTAINED IN THE STAFF REPORT DATED SEPTEMBER 10, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, WITH THE REVISIONS RECOMMENDED BY STAFF, AS CONTAINED IN REVISED ATTACHMENT C, DATED NOVEMBER 14, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, WITH THE REVISIONS RECOMMENDED BY STAFF, AS CONTAINED IN REVISED ATTACHMENT G, DATED NOVEMBER 14, 2013, WITH THE EXCEPTION OF ARTICLE 6, EXCEPTIONS; ARTICLE 7, EXCEPTION REVIEW COMMITTEE; AND ARTICLE 8, APPEALS, WHILE RETAINING THE CORRECTED CROSS-REFERENCE IN SECTION 118-6-7(E).

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE) OF THE CODE OF COUNTY OF FAIRFAX, VIRGINIA, WITH THE REVISIONS RECOMMENDED BY STAFF, AS CONTAINED IN REVISED ATTACHMENT A DATED NOVEMBER 14, 2013, AND THAT THE EXEMPTION FOR SINGLE-FAMILY HOMES IN SECTION 124-7-1.3 BE ADOPTED AS ADVERTISED WITHOUT ANY CHANGES.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE AMENDMENTS TO THE PUBLIC FACILITIES MANUAL, AS CONTAINED IN THE STAFF REPORT DATED SEPTEMBER

10, 2013, SELECTING ALTERNATIVE 2 THROUGHOUT THE AMENDMENTS, WHICH EXPANDS THE RESIDENTIAL BEST MANAGEMENT PRACTICES ELIGIBLE FOR PUBLIC MAINTENANCE, AND WITH THE REVISIONS TO SECTION 6-0203 (ANALYSIS OF DOWNSTREAM DRAINAGE SYSTEMS) RECOMMENDED BY STAFF DATED NOVEMBER 14, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DIRECT STAFF TO MONITOR THE CASELOAD OF THE CHESAPEAKE BAY EXCEPTION REVIEW COMMITTEE FOR A PERIOD OF ONE YEAR FOLLOWING THE BOARD'S ADOPTION OF THE AMENDMENT PACKAGE AND MAKE APPROPRIATE RECOMMENDATIONS TO THE PLANNING COMMISSION AND THE BOARD FOR ANY PROCEDURAL AMENDMENTS AT THAT TIME WITH THE UNDERSTANDING THAT THESE RECOMMENDATIONS NEED NOT NECESSARILY INCLUDE ABOLITION OF THE COMMITTEE, BUT ALSO CONSIDERATION OF THE NUMBERS OF MEMBERS OR ALTERNATES OR PROCEDURES TO SIMPLIFY QUORUM OR OTHER ADMINISTRATIVE RECOMMENDATIONS TO FACILITATE TIMELY AND EFFICIENT PROCESSING OF THESE APPLICATIONS.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Hall was absent from the meeting.

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RZ/FDP 2012-BR-020 – EASTWOOD PROPERTIES, INC. (Decisions Only)

(The public hearing on these applications was held on October 16, 2013. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-BR-020, SUBJECT TO THE PROFFERS DATED NOVEMBER 13, 2013, AS CONTAINED IN THE STAFF REPORT ADDENDUM.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-020, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2012-BR-020.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE EIGHT-FOOT WIDE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE ON-ROAD BIKE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE PARALLEL CRUSHED STONE PEDESTRIAN PATH ALONG ROUTE 123 IN FAVOR OF THE ASPHALT PATH SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE SIGHT DISTANCE REQUIREMENT FOR CORNER LOTS TO ALLOW THE ENTRY FEATURE AND SOUND WALL TO BE LOCATED AS SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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SE 2013-HM-012 – BLUE OCEAN DEVELOPMENT, INC. (Decision Only)
(The public hearing on this application was held on November 14, 2013. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-HM-012, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 21, 2013.

Commissioner Hart seconded the motion which carried by a vote of 8-0-3. Commissioners Donahue, Lawrence, and Litzenberger abstained. Commissioner Hall was absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF SECTION 17-201 OF THE ZONING ORDINANCE AND SECTION 8-0201 OF THE PUBLIC FACILITIES MANUAL REQUIRING A TRAIL ALONG LEESBURG PIKE.

Commissioner Hart seconded the motion which carried by a vote of 8-0-3. Commissioners Donahue, Lawrence, and Litzenberger abstained. Commissioner Hall was absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Hall, Chairman Murphy established the following order of the agenda:

1. CSP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC
2. RZ/FDP 2013-LE-008 – PENN-DAW ASSOCIATES LIMITED PARTNERSHIP
3. RZ/FDP 2012-DR-016 – DULLES ROCKHILL PARTNERS, LP AND NUGGET JOINT VENTURES, LC
PCA C-696-9 – DULLES ROCKHILL PARTNERS, LP
PCA C-698-3 –NUGGET JOINT VENTURES, LC

This order was accepted without objection.

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CSP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC – Appl.
under Sect. 12-210 of the Zoning Ordinance for approval of a
Comprehensive Sign Plan associated with RZ 2010-LE-013.
Located at 7010 Old Keene Mill Rd., Springfield, 22150, on
approx. 1.63 ac. of land zoned PDC, CRD, HC, and SC. Tax Map
80-4 ((9)) 4A. LEE DISTRICT. PUBLIC HEARING

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application CSP 2010-LE-013.

Sara Mariska, Esquire, Applicants Agent, Walsh, Colucci, Lubeley, Emrich, & Walsh, PC, explained that when the existing Homewood Suites Hotel opened in March 2013, the applicant had installed signage that was permitted under the Zoning Ordinance by-right. She then pointed out that the hotel was difficult to identify from vehicles traveling westbound on Old Keene Mill Road and the proposal would permit three additional signs to improve visibility. Ms. Mariska indicated that the proposal was supported by the Lee District Land Use Committee.

When Commissioner Hedetniemi asked whether Sign F, as identified in the staff report, would be large enough, Ms. Mariska explained that Sign F was intended to direct visitors to the entrance and indicated that its size would be sufficient.

Commissioner Flanagan asked whether there were any signs on the site that were not in conformance with Article 12 of the Zoning Ordinance. Ms. Mariska stated that the three existing signs on the subject property were in conformance with the Zoning Ordinance and would remain under this proposal. She then reiterated that three additional signs would be subsequently installed.

Referring to the revised language in Development Condition Number 6, Commissioner Flanagan asked why this condition had been modified to include specific language regarding the removal of signs that were not in compliance with the Zoning Ordinance. Mr. Rogers explained that when staff initially visited the subject property, there was a temporary banner on the western façade and staff would not support the proposal without a provision to remove this banner because it did not conform to the provisions in Article 12 of the Zoning Ordinance. He added that the development condition was intended to remind the applicant that this banner needed to be removed. A discussion ensued between Commissioner Flanagan and Mr. Rogers regarding the origin of this temporary banner wherein Mr. Rogers pointed out that the banner had been located on the parking structure at the rear of the building. (A copy of the revised Development Conditions dated November 20, 2013, is in the date file.)

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2010-LE-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 21, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Hall was absent from the meeting.

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RZ 2013-LE-008 AND FDP 2013-LE-008 – PENN-DAW ASSOCIATES LIMITED PARTNERSHIP – Appls. to rezone from R-4, C-8, CRD, and HC to PDH-40, CRD, and HC to permit mixed use development of 42.2 du/ac and overall Floor Area Ratio (FAR) (including bonus density for WDU and ADU's) of 1.36, waiver of open space requirements and approval of the conceptual and final development plans. Located in the S.W. quadrant of the intersection of Kings Hwy. and Poag St. on approx. 10.45 ac. of land. Comp. Plan Rec: Retail and Other Commercial Uses with option for Mixed Use at 1.15 FAR. Tax Map 83-3 ((1)) 7. LEE DISTRICT. JOINT PUBLIC HEARING

Mark Looney, Esquire, Applicants Agent, Cooley LLP, reaffirmed the affidavit dated October 4, 2013. There were no disclosures by Commission members.

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications, RZ/FDP 2013-LE-008.

In reply to questions from Commissioner Migliaccio, Ms. Tsai stated that staff supported the applicant's green building provisions in Proffer Number 11, Sustainable Design, in the revised set. She also confirmed that the parking provisions for the proposed development were consistent with the Zoning Ordinance. (A copy of the revised proffers dated November 21, 2013, is in the date file.)

Replying to questions from Commissioner Sargeant, Ms. Tsai confirmed that the site would be subject to the Affected Area Study. She also indicated that the proffers did not reflect staff's preference that the square footage for the proposed grocery store be increased. In addition, she said that the proposal would include 21 Affordable Dwelling Units (ADU) and 37 Workforce Dwelling Units (WDU). A discussion ensued between Commissioner Sargeant and Ms. Tsai regarding the possibility of specifying the amount of ADUs and WDUs in the language for Proffer Number 13, ADUs, and Proffer Number 14, WDUs, wherein Commissioner Sargeant expressed concern about the clarity of the language.

Referring to an email dated November 21, 2013, from Larry Dempsey, President, Wilton Woods Citizens Association (WWCA), Commissioner Flanagan said that concerns had been raised regarding the lack of visitor parking for some of the proposed townhomes. He then referred to Sheet A-1 of the CDP/FDP in the staff report and pointed out that each of the proposed townhomes would have driveways for the owners and some street parking for guests, but noted that the street parking was limited. He asked for clarification on the design of the driveways and the townhomes. Ms. Tsai explained that the townhomes on Lots 15 through 28 would have seven-foot driveways and two-car garages, adding that the driveways were not long enough to accommodate a vehicle. In addition, she pointed out that there would be eight visitor parking spaces along the private driveway, noting that it was not intended for guests to park along the curb of the proposed townhomes. She also said that Proffer Number 27, Townhome Parking,

indicated that visitors could park in the parking structure for the proposed multi-family residential development. (A copy of the email is in the date file.)

Commissioner Migliaccio announced that he did not intend to defer the decision only for these applications, but noted that the size of the proposed grocery store was still an outstanding issue. He then stated that Lee District Supervisor Jeff McKay would coordinate with the applicant on this issue and did not object to the Planning Commission forwarding the proposal to the Board of Supervisors.

Referring to Sheet 14 of the CDP/FDP in the staff report, Commissioner Hart asked whether there would be an opening in the fence separating the southern border of the subject property from the property to the south. Ms. Tsai indicated that there would be no such opening in this fence. A discussion ensued between Commissioner Hart and Ms. Tsai regarding the routes for pedestrian traffic along the southern portion of the site and the potential for an access point for the neighboring property to the south wherein Ms. Tsai said that there would be no access point in the fence along the southern boundary, adding that such access would be granted if the neighboring property redevelops. Ms. Tsai also indicated that while the Fairfax County Department of Transportation recommended that the applicant construct a sidewalk for the private street along the southern portion of the site, there was not sufficient space for such a sidewalk. Commissioner Hart then expressed safety concerns for pedestrians utilizing the alley to travel to the grocery store due to the lack of a sidewalk along this private street.

When Commissioner Hart asked if the applicant had committed to the materials or design of the proposed fence along the southern border of the site, Ms. Tsai stated that the applicant would construct a board-on-board fence.

In response to questions from Commissioner Hart, Ms. Tsai explained that the eastern portion of the private street would function as an access lane for emergency vehicles and regular vehicles would not be able to drive through this area or park along the curb. In addition, she indicated that this area would also function as a loading zone and some vehicles would utilize this street to access the parking garage. A discussion ensued between Commissioner Hart and Ms. Tsai regarding how vehicles using this private street would turn around wherein Commissioner Hart reiterated his concerns regarding pedestrian safety in this area and recommended that the proposal accommodate any redevelopment for the neighboring property to the south.

Addressing Commissioner Hart's remarks, Commissioner Migliaccio pointed out that there had been discussions about redeveloping the property to the south. Commissioner Hart noted the importance of providing access between the two properties to facilitate pedestrian traffic. William O'Donnell, ZED, DPZ, then asked if Commissioner Hart would request the applicant address this concern during the applicant's presentation.

Responding to questions from Commissioner Hedetniemi, Ms. Tsai confirmed that the proposal would include a swimming pool, a tot lot, and a dog park. In addition, she pointed out that there would be recreational amenities in the interior of the multi-family residential development.

Commissioner Hedetniemi recommended that the applicant consider adding a tennis court as part of their recreation amenities.

Answering additional questions from Commissioner Hedetniemi, Ms. Tsai stated that the tot lot and the dog park would be maintained by the homeowners association for the proposed development, which would be established after the development was occupied. Mr. O'Donnell added that the applicant would be responsible for establishing the homeowners association.

In reply to questions from Commissioner Flanagan, Ms. Tsai said that the multi-family residential development would consist of rental units. Mr. O'Donnell added that the homeowners association for the development would include both the townhomes and the rental units. A discussion ensued between Commissioner Flanagan and Ms. Tsai regarding the guest parking in the multi-family residential parking garage and the means by which guests would access the garage wherein Ms. Tsai pointed out that guests could not access the parking garage through the multi-family residential building; therefore, they would utilize the entrance along Poag Street.

Replying to additional questions from Commissioner Flanagan, Ms. Tsai confirmed that there would be curb parking along the right-hand side of the private street between the townhomes and the multi-family residential building, but there would be no parking along Poag Street or the private street along the southern border of the site.

Commissioner Lawrence stated that grocery stores valued sufficient parking and expressed concern that guests would utilize the retail parking space. He then asked whether staff had studied how much guest parking would be required for the site and whether the current parking provisions for the proposed development were sufficient.

Mr. Looney delivered a PowerPoint presentation on the proposed development. He said that the existing shopping center on the 10-acre site contained approximately 132,000 square feet of retail space, but noted that significant portions of the retail space had been vacant in recent years. He explained that the subject applications had been preceded by a Comprehensive Plan Amendment, ST10-IV-MV1, that had been approved in April of 2012 and pointed out the difficulties in maintaining the existing retail development due to the site's lack of accessibility and visibility. He then stated that the proposal intends to redevelop the site and contribute to the revitalization of this portion of the Richmond Highway Corridor. Referring to Slide 3 of his presentation, Mr. Looney described the existing conditions on the site, noting that it had insufficient stormwater management provisions compared to similar commercial developments. He said that ST10-IV-MV1 amended the Comprehensive Plan to recommend mixed-use development on Sub-Unit H-2, which included multi-family units and townhouses with a 1.15 floor area ratio, ground floor retail, and a realignment of the entrance with Richmond Highway. In addition, Mr. Looney stated that the Comprehensive Plan recommended up to 735 residential units with a minimum of 40,000 square feet of retail space for Land Unit H. He then indicated the neighboring development north of the site on Sub-Unit H-1 was being developed with 245 residential units and 10,000 square feet of retail space, which thereby permitted Land Unit H-2 to redevelop with 490 residential units and 30,000 square feet of retail space. He added that the neighboring residents had expressed a desire for fewer residential units and more retail space. As a result of these discussions, he stated that the subject applications proposed 441 residential

units, which was a 10 percent reduction from the Comprehensive Plan recommendations, and 45,000 square feet of retail space, which was a 51 percent increase from the Comprehensive Plan recommendations. Referring to Slide 8 of his presentation, Mr. Looney pointed out that vehicles would enter the proposed development from Richmond Highway and exit onto Poag Street. He added that if the development north of the site did not install the traffic signal at Poag Street and South Kings Highway with the funds it had proffered, then the applicant would construct this signal, pointing out that this provision was articulated in Proffer Number 31D, Traffic Signal at Poag Street and Kings Highway. Mr. Looney described the internal circulation within the proposed development, noting that the entrance to the residential garage would be on the southern side of the property. He also echoed staff's previous remarks regarding the private street along the south of the site, stating that this area was not open to regular vehicles and would serve as a loading area for the retail space. He also indicated that this private street would not connect with South Kings Highway, adding that vehicles would be required to turn around and exit onto Poag Street. Referring to Slide 9 of his presentation, Mr. Looney described the internal circulation for the grocery portion of the retail development, stating that the applicant had been coordinating with a prospective tenant for this area and this tenant emphasized the need for parking in front of the development to ensure sufficient access for customers. He also said that Proffer Number 30, Shopping Cart Returns, would designate a location for the storage, capture, and return of shopping carts within the parking structure. He then indicated that if there were no parking available in front of the retail development, then vehicles would be directed into the parking garage. In addition, he pointed out that vehicles would not be able to exit onto South Kings Highway and vehicles could only exit onto Poag Street.

Referring to Slide 11 of his presentation, Mr. Looney described the open space that would be provided, noting that there was an existing stormwater detention pond on the site. He explained that the applicant intended to improve the existing vegetation to make it an amenity for the nearby townhomes. In addition, he stated that the tot lot and the dog park would be available to residents outside the proposed development. Referring to Slides 12 and 13 of his presentation, Mr. Looney described the appearance of the proposed development from South Kings Highway and Poag Street. Referring to Slide 14 of his presentation, he described the activated plaza on the subject property, noting that Proffer 22A, Plaza Programming, had language specifying that the applicant would consult with Supervisor McKay on the features of the plaza to ensure that it was consistent with the desired character of the area. Referring to Slide 16 of his presentation, Mr. Looney described how the parking lot would be configured during community events, noting that vehicles would still have access to the parking garage. Referring to Slide 17 of his presentation, Mr. Looney described the alleyway between the proposed retail development and the multi-family residential development, adding that the ground floor of the retail parking would be accessible from this alleyway. He then addressed Commissioner Hart's concerns regarding the alley, explaining that it would be utilized primarily for retail parking and that the parking for the multi-family residential units would be separate and would not be accessible from this alley. Mr. Looney addressed concerns regarding visitor parking for the townhomes on the site, saying that visitors would have access to the retail parking and there would be pedestrian connections to these parking areas. Referring to Slides 18 and 19 of his presentation, he described the appearance of the townhomes and multi-family residential development from Poag Street, noting that the end units would be consistent with a more urban character. Referring to Slide 20 of his presentation, he pointed out that the Zoning Ordinance required 111 parking spaces for the site

and the proposal would provide 144, reiterating that there would be additional parking available in the retail development. Mr. Looney stated that the applicant had initially sought to secure a CVS store for the retail space, but later favored a grocery store for this space. He said that the prospective tenant, Fresh Market, had an average footprint of approximately 25,000 square feet and the applicant had designed the retail plaza to accommodate this tenant. He then indicated that the applicant had not secured a lease with Fresh Market and if this tenant could not be secured, then the applicant would seek other grocers, noting that other grocers had varying footprints and the proposal would not preclude such grocers. In addition, Mr. Looney stated that the applicant was coordinating with Supervisor McKay on a proffer that would articulate how the applicant would fill this retail space and if an appropriate tenant could not be secured after a certain period, then there would be a process for re-evaluating their plans for this space. Referring to Sheet L-1 in the CDP/FDP in the staff report, he also indicated that there would be a five-foot sidewalk along the southern edge of the parking structure that led into the alley, adding that there would not be a sidewalk along the portion of the street designated for emergency vehicles. (A copy of Mr. Looney's presentation is in the date file.)

Referring to the previously-mentioned email from the WWCA, Commissioner Migliaccio pointed out that the WWCA objected to a connection between Shaffer Drive and Paog Street. He then asked whether the applicant was committed to not pursuing such a connection. Mr. Looney said that the Comprehensive Plan contained specific language recommending that Shaffer Drive and Paog Street should not connect and while the applicant did not have the authority to implement such a connection, he did not object to adding a proffer prior to the Board of Supervisors' public hearing to ensure that this connection was not pursued. In response to additional questions from Commissioner Migliaccio, Mr. Looney indicated that the applicant did not intend for the retail development to be used as a dance floor or karaoke bar, but he did not object to adding a proffer to prohibit such use. He also stated that parking for employees had been included in the applicant's parking tabulation and the proposed parking provisions would accommodate employees and customers.

Commissioner Migliaccio asked Mr. Looney to describe the internal circulation on the site during peak traffic hours. Referring to page 25 of his presentation, Mr. Looney pointed out that there was approximately 75 feet between the entrance to the site from South Kings Highway and the first parking spot and 55 feet of stacking space in the recirculation area, which could accommodate approximately three to four cars. He then said that the traffic volumes entering the site from South Kings Highway would not be significant during peak hours, explaining that the applicant's traffic consultant had calculated that there were approximately 44 southbound right turns into the site per hour and 42 left turns into the site. In addition, Mr. Looney said that the applicant expected approximately 231 vehicles to enter the site at a rate of 4 vehicles per minute during peak traffic hours, most of which would enter from Richmond Highway. He also pointed out that a traffic signal would ensure efficient movement for vehicles entering the site. He then indicated that the applicant did not anticipate difficulties in accommodating peak hour traffic, adding that Proffer Number 5D, Architectural Treatment and Lighting in Internal Drive Aisle, required the installation of signage within the site to regulate vehicular speeds and improve pedestrian safety.

When Commissioner Migliaccio asked whether vehicles within the site would be able to pass for the entire length of the drive aisle, Mr. Looney confirmed that the 20-foot width of the drive-aisle would allow vehicles to pass and this drive-aisle extended to the parking garage.

Referring to Sheet L-2.1A in the staff report and Proffer Number 24A, Tot Lot and Dog Walk, Commissioner Hurley expressed concern that the size of the tot lot was too small and that committing to at least one piece of playground equipment was insufficient. She also expressed safety concerns about the 4-foot fence separating the tot lot and the dog park, saying that it would not effectively screen the tot lot from larger dogs. Mr. Looney explained that after discussions with staff and the community regarding the size of the tot lot and dog park, the applicant agreed to provide a larger dog park, which reduced the size of the tot lot. He then indicated that the fence separating the tot lot and dog park would be a solid fence that would prohibit the dogs from interacting with the tot lot. Commissioner Hurley reiterated her concerns and supported moving the dog park and committing to more than one piece of playground equipment.

Responding to questions from Commissioner de la Fe, Mr. Looney said that while the applicant would welcome residents of neighboring communities to utilize the recreation facilities on the site, there would be no public access easement leading to these facilities. He stated that a public access easement would make it difficult to police the use of the area.

In reply to questions from Commissioner Sargeant, Mr. Looney pointed out that the parking rates for larger and smaller retail establishment were similar. He then indicated that there were other possible tenants that the proposed retail space could accommodate, noting that the applicant had approximately 24 months to pursue the desired tenant. In addition, he said that while the applicant sought flexibility to accommodate retail tenant, the tenant would still decide whether such an establishment would be economically viable. He then reiterated the challenges associated with providing retail in this area and stated that while the applicant had been in discussion with a prospective tenant, the flexibility for the retail space would permit alternatives if this tenant could not be secured.

When Commissioner Sargeant asked whether it was possible for the applicant to specify the amount of ADUs and WDUs that the proposal would provide, Mr. Looney explained that the ADU criteria in the Zoning Ordinance was contingent on the construction type of the development and that certain types were exempt from the ordinance. He then said that once a development was subject to the ordinance, it would follow the guidelines of the Zoning Ordinance in determining the number of ADUs to provide. Mr. Looney pointed out that the applicant would utilize a type of construction that would make them subject to the ADU criteria in the Zoning Ordinance. In addition, he said that the proposal was subject to the 31 percent open space requirement, noting that this requirement would be 35 percent without ADUs. He then explained that the language in Proffer Numbers 13 and 14 was intended to account for possible changes in the construction type, which could lead to changes in the ADU requirement for the proposal. Commissioner Sargeant supported revising the proffers to include a minimum number of ADUs.

Replying to questions from Commissioner Hart, Mr. Looney pointed out the location of shopping cart return area, noting that this area would be inside the building and the tenant would be responsible for bringing carts left in the parking lot back inside. He added that this would not be a significant issue due to the small size of the retail development. He also confirmed that customers would be required to bring their shopping cart back inside the store.

Answering additional questions for Commissioner Hart, Mr. Looney said that there was no dedicated area in front of the retail development to allow vehicles to park along the curb for loading purposes. In addition, he stated that the applicant did not expect such loading at the proposed development due to the type of tenant anticipated for the retail space. He also pointed out the location of the handicapped parking spaces for the retail development, saying that this area could be utilized for loading if necessary. In addition, he described how vehicles would pick up pedestrians at the retail site. Mr. Looney then indicated that the size of the plaza limited the applicant's ability to dedicate more parking spaces for the retail development.

A discussion ensued between Commissioner Hart and Mr. O'Donnell regarding the absence of provisions for electric vehicle charging stations in the parking garage wherein Mr. O'Donnell stated that other recent developments had included commitments for electric vehicle charging stations and the applicant could agree to dedicate a certain amount of spaces for this use and then conduct a demand study in the future to determine whether additional spaces were warranted. Commissioner Hart supported addressing this issue proactively before it became a greater concern with the Board of Supervisors and the community.

In response to earlier questions from Commissioner Hart, Mr. Looney stated that the applicant had not committed to the design of the proposed fence along the southern border of the site, but noted that the applicant did not intend to utilize masonry for this fence. He also said that there was a difference in grade along certain portion of the southern border of the site, which could require a retaining wall to ensure that grade was level. In addition, he confirmed that this retaining wall would not replace the fence. Commissioner Hart supported the applicant committing to a design for the fence.

Commissioner Migliaccio addressed Commissioner Hart's concerns about the design of the fence, saying that the applicant had committed to a board-on-board design during the Lee District Land Use Committee meeting on Monday, November 18, 2013. A discussion ensued amongst Commissioner Migliaccio, Commissioner Hart, and Mr. Looney regarding the design of the fence wherein Mr. Looney stated that the fence would not be chain-link or metal and the applicant did not object to making a commitment on the fence's design prior to the Board of Supervisors' public hearing for this proposal.

Commissioner Hart reiterated his concern that pedestrians would walk around the west end of the fence along the southern border to access the site and encouraged the applicant to address this issue. Mr. Looney stated that the applicant initially proffered a pedestrian connection in the fence in Proffer Number 32A, Pedestrian Connection from Kings Garden Apartments, but after discussions with the surrounding community, this proffer had been removed. However, he said that the applicant did not object to retaining this proffer. Commissioner Hart recommended that this issue be addressed prior to the Board of Supervisors' public hearing for these applications.

Referring to Sheets L-2.0 and L-2.1 in the staff report, Commissioner Hedetniemi stated that the interactive art in the plaza and the amenities in the multi-family residential development would provide various opportunities for recreational activity. She then asked whether the tot lot was necessary in lieu of these other opportunities. Mr. Looney indicated that the tot lot would provide recreational opportunities to the townhomes, adding that Proffer Number 25, Off-Site Recreational Facilities, included a contribution for other improvements. In addition, he said that the character of the proposed development was urban, which limited the possibility for more land-intensive uses on the site.

Commissioner Lawrence suggested that the applicant encourage the homeowners association or the residential community on the site to coordinate with the retail tenants to create a shared parking agreement to alleviate concerns about guest parking.

Responding to questions from Commissioner Flanagan, Mr. Looney confirmed that the first level of the parking garage was intended to serve the proposed retail development and that the upper levels would provide guest parking. He then described how vehicles accessing the guest parking levels would circulate within the parking garage, noting that the trash facility would be located on the ground floor. In addition, he indicated that the parking garage would have five levels, which included roof parking. A discussion ensued between Commissioner Flanagan and Mr. Looney regarding how vehicles would navigate the parking garage wherein Mr. Looney explained the following:

- The parking garage would have a gate and guests would be given passes to access the garage;
- The parking spaces designated as unreserved spaces would serve the guests;
- There would be an elevator service between the decks of the parking garage;
- The guests for the townhomes on the site would not have access to the upper levels of the parking garage;
- The proposal would provide 33 more parking spaces than what was prescribed by the Zoning Ordinance and these spaces were located on the townhouse driveways, the garages of the townhomes, and the surface parking for the proposed retail development;
- The additional parking provisions for guests were intended to prevent excessive guest parking within neighboring developments;
- The proposal's parking provisions would provide sufficient guest parking for both the townhomes and the multi-family residential development; and
- There would be no parking spaces within the parking garage designated for the townhomes that did not have a driveway large enough to accommodate a guest vehicle.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the terrain of the land near the tot lot on the subject property and the usability of this land wherein Mr. Looney said that this area would be re-graded and pointed out the location of the existing stormwater detention facility.

Referring to the previously-mentioned email from the WWCA, Commissioner Flanagan stated that the WWCA had suggested that some of the townhomes near the tot lot could be converted into a community center that would also contained additional guest parking. Mr. Looney reiterated that the proposal's parking provisions would provide sufficient guest parking.

Answering additional questions from Commissioner Flanagan, Mr. Looney confirmed that the applicant was aware that the Comprehensive Plan recommended that the intersection at North Kings Highway and Richmond Highway be realigned and the applicant did not object to this realignment. He added that the applicant was concerned about this realignment because it would change the access and visibility of the retail development.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary.

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The Commission went into recess at 10:47 p.m. and reconvened in the Board Auditorium at 11:08 p.m.

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In reply to questions from Commissioner Migliaccio, Mr. Looney confirmed that the applicant would agree to make the following commitments:

- The applicant would not pursue a connection between Shaffer Drive and Paog Street;
- The design of the fence along the southern border of the property would be clearly articulated, noting that it would not be constructed of masonry or chain-link;
- The applicant would provide at least two pieces of playground equipment on the tot lot;
- The applicant would submit a Final Development Plan Amendment or Proffered Condition Amendment if an appropriate tenant for the proposed retail development could not be secured; and
- These commitments would be articulated in the proffers prior to the Board of Supervisors' public hearing for the subject applications.

Mr. Looney also stated that the applicant would address concerns regarding the management of the retail and visitor parking on the ground floor of the parking garage.

Replying to additional questions from Commissioner Migliaccio, Mr. Looney reiterated his reservations about specifying the amount of ADUs in Proffer Numbers 13 and 14, saying that applicant would need to account for the possibility that the construction type could change for the proposal. However, he indicated that the applicant would coordinate with Supervisor McKay on this issue.

When Commissioner Hart asked whether the applicant would incorporate language into the proffers to accommodate electric vehicle charging stations in the proposal, Mr. Looney said that the applicant would consider such a revision.

Chairman Murphy requested that Mr. Looney acknowledge the commitments he had agreed to over the course of the public hearing during the motion.

Commissioner de la Fe pointed out that Proffer Number 15 included a commitment to provide a minimum of 15 percent WDUs and asked the applicant to ensure that this language was retained as the proffers were revised prior to the Board of Supervisors' public hearing. Mr. O'Donnell explained that providing a minimum percentage of ADU was consistent with standard proffer language. In addition, he acknowledged the applicant's concerns about maintaining flexibility should the construction type change, but noted that staff would coordinate with the applicant to revise the proffer accordingly.

Referring to Proffer Number 31C, Ultimate Kings Highway Alignment and Property Entrance, Commissioner Flanagan requested that the applicant provide additional language to acknowledge the eventual realignment of South Kings Highway and Richmond Highway. Mr. Looney explained that this proffer dedicated right-of-way for improvements to South Kings Highway and the applicant would construct a portion of the improvements that the right-of-way would be needed for, but pointed out that off-site right-of-way would be required to do additional improvements beyond the applicant's current commitments. He added that those additional improvements would be constructed when the County or another developer acquired the necessary right-of-way to incorporate those improvements. He then stated that if these improvements affected the frontage and entrance to the site from South Kings Highway, then the applicant would reconstruct the entrance. Mr. Looney clarified that Proffer Number 31C did not address the severing of the connection between South Kings Highway and Richmond Highway. A discussion ensued between Commissioner Flanagan and Ariel Yang, Fairfax County Department of Transportation (FCDOT), regarding the realignment of South Kings Highway and Richmond Highway wherein Ms. Yang indicated that the transportation improvements in the proposal were separate from the severing of the connection between South Kings Highway and Richmond Highway, noting that FCDOT would be required to ensure vehicles going in both directions along South Kings Highway could still access the site.

When Commissioner Flanagan reiterated his concerns regarding the applicant's acknowledgement of the realignment of South Kings Highway and Richmond Highway, FDCOT Ms. Yang echoed Mr. Looney's remarks, saying that the applicant did not object to this realignment.

When Chairman Murphy asked whether staff was satisfied that the language in Proffer Number 31C addressed the issues regarding the realignment of South Kings Highway and Richmond Highway, Ms. Yang and Mr. O'Donnell indicated that they were satisfied that this language was sufficient.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-LE-008 AND THE ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 21, 2013, WITH THE FOLLOWING REVISIONS:

- THE ADDITION OF A PROFFER SPECIFYING THE ACCESSORY USES THAT WERE PROHIBITED IN THE RETAIL SPACE;
- THE ADDITION OF A PROFFER AFFIRMING THAT THERE WOULD BE NO CONNECTION BETWEEN POAG STREET AND SHAFFER STREET;
- A MODIFICATION TO PROFFER 24A, TOT LOT TO REQUIRE THE INSTALLATION OF A MINIMUM OF TWO PIECES OF EQUIPMENT;
- THE ADDITION OF A PROFFER TO EVALUATE THE POSSIBLE INCLUSION OF ELECTRIC VEHICLE CHARGING STATIONS;
- THE ADDITION OF A PROFFER TO CRAFT AN AGREEMENT BETWEEN THE HOMEOWNERS ASSOCIATION FOR THE RESIDENTIAL PORTION OF THE SITE AND THE RETAIL OWNER REGARDING THE PARKING SPACES TO BE USED IN THE GARAGE FOR OVERFLOW PARKING;
- THE ADDITION OF A PROFFER THAT PRECLUDE THE USE OF CINDERBLOCK OR A CHAIN LINK FENCE FOR THE FENCE ALONG THE SOUTHERN PORTION OF THE SITE ADJACENT TO THE KINGS GUARDEN APARTMENTS PROPERTY; AND
- A MOFIFICATION TO PROFFER NUMBER 13, AFFORDABLE DWELLING UNITS, TO SPECIFY THE PERCENTAGE OF UNITS THAT WOULD BE RESERVED.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0-1. Commissioner Flanagan abstained. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-LE-008, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 7, 2013, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2013-LE-008.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING PLANTING MATERIALS AND BARRIER REQUIREMENT ALONG THE NORTHEASTERN PROPERTY LINE; A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHEASTERN PROPERTY LINE; A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHWEST PROPERTY LINE; A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT BETWEEN THE MULTI-FAMILY AND SINGLE FAMILY ATTACHED USES; AND WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT BETWEEN THE MULTIFAMILY AND RETAIL USES, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE TO THAT SHOWN ON THE CDP/FDP;
- A WAIVER OF SECTION 13-202 OF THE ZONING ORDINANCE FOR DISPERSING OF THE INTERIOR PARKING LANDSCAPING FOR THE SURFACE PARKING LOT AREA AND LANDSCAPING ON THE TOP LEVEL OF THE PARKING STRUCTURE;
- A MODIFICATION OF THE COUNTYWIDE TRAILS PLAN ALONG NORTH KINGS HIGHWAY TO PERMIT SIX-FOOT WIDE SIDEWALKS TO THAT SHOWN ON THE CDP/FDP;
- A WAIVER OF SECTION 2-505 OF THE ZONING ORDINANCE ON USE LIMITATIONS ON CORNER LOTS FOR A CORNER OF A BUILDING; AND
- A WAIVER OF SECTION. 17-201 OF THE ZONING ORDINANCE AND SECTION 7-0104.1 OF THE PUBLIC FACILITIES MANUAL FOR A SERVICE DRIVE.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

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RZ 2012-DR-016 AND FDP 2012-DR-016 – DULLES ROCKHILL PARTNERS, LP AND NUGGET JOINT VENTURES, LC – Appls. to rezone from PDC to PRM to permit residential development with an overall Floor Area Ratio (FAR) of 2.23 (including bonus density associated with WDU), approval of final development plans and a waiver # 6848-WPFM-004-1 to permit the location of underground storm water management facilities in a residential area. Located N. of Sayward Blvd. and W. of Dulles Station Blvd. on approx. 4.78 ac. of land. Comp. Plan Rec: Residential at 2.4 FAR. Tax Map 15-2 ((1)) 13 pt. and 15-4 ((5)) 5A. (Concurrent with PCA C-698-3 and PCA C-696-9.) DRANESVILLE DISTRICT.

PCA C-696-9 – DULLES ROCKHILL PARTNERS, LP – Appl. to amend the proffers for RZ C-696 previously approved for mixed-use development to delete 4.27 acres and include in concurrent RZ 2012-DR-016 application. Located N. of Sayward Blvd. and W. of Dulles Station Blvd. on approx. 4.27 ac. of land zoned PDC. Tax Map 15-4 ((5)) 5A. (Concurrent with RZ/FDP 2012-DR-016 and PCA C-698-3.) DRANESVILLE DISTRICT.

PCA C-698-3 –NUGGET JOINT VENTURES, LC – Appl. to amend the proffers for RZ C-698 previously approved for hotel and service uses to delete 22,271 sq. ft. and include in concurrent RZ 2012-DR-016 application. Located to the S. and E. of Sunrise Valley Dr. on approx. 11.65 ac. of land zoned PDC. Tax Map 15-2 ((1)) 13. (Concurrent with RZ/FDP 2012-DR-016 and PCA C-696-9.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegle, Attorney/Agent, McGuireWoods, LLP, reaffirmed the affidavit dated October 16, 2013. Commissioner Hart disclosed that his law firm Hart & Horan, PC, had an attorney/client relationship with RTKL Associates, Inc., which was listed on the affidavit for RZ/FDP 2012-DR-016; therefore, he would recuse himself from this public hearing.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2012-DR-016, PCA C-696-9, and PCA C-698-3.

In response to questions from Commissioner Donahue, Mr. O'Donnell stated that under Proffer Number 35, Electric Vehicle Charging Stations, in the revised set, which designed the electric vehicle charging stations to accommodate an increase in the number of stations if warranted, the applicant had not committed to a maximum number of stations that could be added. He also indicated that that this commitment was becoming more common in mixed-use developments and noted that staff supported the proposed language. In addition, he said that staff supported

permitting the applicant to study the usage of these charging stations to determine whether an increase was warranted. Mr. O'Donnell also confirmed that the installation of the ancillary wiring in the charging stations ensured that no additional infrastructure would be necessary to add the additional charging stations. (A copy of the revised proffers dated November 19, 2013, is in the date file.)

Answering questions from Commissioner Sargeant, Mr. O'Donnell said that staff had concluded that the ratio of the proposed 10,000 square feet of retail space in relation to the proposed residential space was appropriate. He cited another development in the Dulles Station area that had experienced difficulty in securing tenants for its retail space, but pointed out that the opening of the Silver Line Metrorail Station would make this space more viable. Mr. O'Donnell also clarified that Proffer Number 9, Construction of Street, permitted the issuance of a residential use permit (RUP) while the public roads connecting Sayward Boulevard and Carta Way were in a temporary phase. Commissioner Sargeant recommended that the language in this proffer be clarified to reflect this.

Referring to Proffer Number 14G, Transportation Demand Management (TDM) Remedy Fund, which stated that the applicant would contribute \$0.10 per square-foot of residential space to the TDM Remedy Fund within 30 days after the issuance of the final RUP, Commissioner Sargeant asked whether the language could be clarified to specify the amount of the contribution. Mr. O'Donnell stated that he did not object to modifying the proffer accordingly, but he deferred to the applicant for more input on this issue.

Referring to Proffer Number 14A, TDM Strategies, which stated that the applicant's TDM plan would be approved by the Fairfax County Department of Transportation, Commissioner Sargeant recommended that more information about the TDM plan be included in the language. He also recommended that the applicant clarify a baseline for the trip reduction commitments in the TDM Plan, as indicated in Proffer Number 14B, TDM Plan. Mr. O'Donnell pointed out that staff was utilizing TDM provisions similar to those in Tysons Corner, noting that the intent of the plan was to maintain consistency within Transit Station Areas (TSA). A discussion ensued between Commissioner Sargeant and Mr. O'Donnell regarding the dynamic nature of TDM plans, the importance of specifying to residents that the TDM goals would be met, and the process for measuring the trip reduction commitments in the TDM plan.

Mr. Riegle addressed Commissioner Sargeant's question about the TDM Remedy Fund mentioned in Proffer Number 14G, stating that this language was consistent with the language utilized in other mixed-use developments. He added that ensuring that the contributions to the TDM Remedy Fund were contingent on a certain phase of the development would more effectively address the overall impact of the proposal. Mr. Riegle explained that the subject applications were consistent with efforts to develop the area around future Silver Line Metrorail Stations. He also pointed out that the proposal would reconfigure existing land bays to accommodate the Silver Line Metrorail Station and the parking garage for the proposed development, noting that the Board of Supervisors had accelerated these applications to ensure that the land bays would be appropriately configured. Mr. Riegle then stated that the proposal

would construct a residential development in close proximity to a Metrorail Station. He noted that the subject property was currently approved for office development, but he pointed out that this configuration did not sufficiently integrate with the Metrorail Station. He stated that the traffic impact of the proposed development would be less than that of an office development and would be more consistent with the transportation principles of TSAs. Mr. Riegler said that the applicant had coordinated with staff and the surrounding community on these applications. He also noted that Proffer Number 22, Amenities and Facilities for Residents, included a commitment to develop an off-site park that would be maintained by the applicant.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary.

Responding to questions from Commissioner Litzenberger, Mr. Riegler confirmed that the proposal would provide 10,000 square feet of retail space. A discussion ensued between Commissioner Litzenberger and Mr. Riegler regarding who would make the \$2.00 per square-foot contribution to Affordable Dwelling Units, as recommended by the Comprehensive Plan, wherein Mr. Riegler pointed out that the site was not subject to this requirement. In addition, he noted that retail use in this area had been difficult, but reiterated that the Silver Line Metrorail Station would make it more viable.

Commissioner Litzenberger said that the County was in the process of developing a Zoning Ordinance Amendment for Residential Studio Units and the proposed development would be an appropriate location for such units. A discussion ensued between Commissioner Litzenberger and Mr. Riegler regarding when construction would begin on the proposed development.

Commissioner Sargeant expressed support for Proffer Number 32, Workforce Dwelling Units (WDU), noting that this proffer included a clear percentage within the language that specified the portion of dwelling units that would be reserved for WDUs.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Donahue for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-DR-016 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN (CDP), SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 19, 2013.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

RZ/FDP 2012-DR-016– DULLES ROCKHILL PARTNERS, LP AND
NUGGET JOINT VENTURES, LC
PCA C-696-9 – DULLES ROCKHILL PARTNERS, LP
PCA C-698-3 –NUGGET JOINT VENTURES, LC

November 21, 2013

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2012-DR-016, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2012-DR-016.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA C-696-9.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA C-698-3.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE LOADING REQUIREMENT IN FAVOR OF THE LOADING SPACES DEPICTED ON THE CDP/FDP.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE USE LIMITATIONS ON CORNER LOTS IN SECTION 2-505 OF THE ZONING ORDINANCE TO PERMIT THE PROPOSED BUILDING, LANDSCAPING, AND SIGN LOCATIONS WITHIN THE ZONING ORDINANCE SIGHT TRIANGLES FORMED BY THE STREETS ALONG THE CORNER LOT, AS SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO PERMIT A DEVIATION

RZ/FDP 2012-DR-016– DULLES ROCKHILL PARTNERS, LP AND
NUGGET JOINT VENTURES, LC
PCA C-696-9 – DULLES ROCKHILL PARTNERS, LP
PCA C-698-3 –NUGGET JOINT VENTURES, LC

November 21, 2013

FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE
PROPOSED LANDSCAPING SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioner Hart had recused himself. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.

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The meeting was adjourned at 11:51 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: July 30, 2014

A handwritten signature in dark ink, appearing to read "John Cooper", is written over a horizontal line.

John Cooper, Clerk to the
Fairfax County Planning Commission